IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY SIXTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 15266 of 2004

Between:

Syed Osman, s/o Syed Bande Ali,
R/o 16-2-40/A, Akber Bagh, Hyderabad.

..... PETITIONER

AND

The Regional Passport Officer, Office situated Near Prashant Theatre, Secunderabad.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondent in not issuing new passport on fresh application to the petitioner with date of birth entered as 8-10-1954 instead of 8-10-1948 as highly illegal and arbitrary any other relief deemed fit and proper be also granted to the petitioner

Counsel for the Petitioner: MR.MOHAMMED ALI YAWAR

Counsel for the Respondent: MR.A.RAJASHEKAR REDDY (SC FOR CG)

The Court made the following ORDER:

In spite of service of notice on the Central Government Standing Counsel, none appears for the respondents.

The case of the petitioner is that he obtained passport bearing No. 2025016 on 22.02.1998, wherein his date of birth was wrongly entered as 08.10.1948 instead of 08.10.1954. When he approached the respondent on 12.08.2004 for issuance of new passport, after carefully mentioning the correct date of birth on fresh application, the respondent refused to receive the same. Hence, the present writ petition.

This Court disposed of similar writ petitions, which reads as under:

> " It is required to notice that there is no provision under the Passports Act, 1967, which empowers the Regional Passport Officer to correct entries in the Passport. However, pursuant to the judgment of the High Court of Judicature at Bombay, in W.P.No.1072 of 2000, the Government of India issued instructions/clarifications in Circular dated 18.04.2001, which are to the following effect:

(a) Where an applicant is seeking rectification/correction of a mistake in the entry on date of birth/place of birth in the passport, PIA (Passport Issuing Authority) may after verifying/satisfying himself, effect the correction treating the same as a technical correction. There is no need for a declaratory order in such cases.

b. Where a competent authority issuing a birth certificate or an educational board registering a date of birth along with place of birth as valid were to issue any correction or amendment, PIA may effect the necessary amendment in the passport without

insisting on a Court Order. As per the provisions of Section 21 of the General Clauses Act, 1977, a competent authority issuing a certificate could also make necessary amendments to the same.

c. Where the initial entry has been made on the basis of a supportive document issued by one competent i.e., school/educational authority and the applicant subsequently requests for a change on the basis of a certificate issued by another competent authority i.e., municipal authorities resulting in conflicting sources of valid proof, the PIA should direct the applicant to obtain a civil order from a competent Court of jurisdiction, certifying the valid date of birth/place of birth."

As on today, if any request for correction of date of birth in the Passport is made, the Passport Issuing Authority is requested to follow the aforementioned instructions.

In view of the same, the respondent is directed to receive the application of the petitioner for correction of the date of birth in the Passport or issuance of fresh Passport, and process the same after verifying the genuineness or otherwise thereof basing on the documents, which the petitioner will file in support of his case for change of date of birth, in the light of the aforementioned guidelines, and pass appropriate orders.

With the above directions, the writ petition is disposed of. No costs.

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A.Gopal Reddy, J

Date: 26.08.2004

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To

1. The Regional Passport Officer, Office situated Near Prashant Theatre, Secunderabad.

2. Two CD copies